

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION FULL BOARD OF FORESTRY MEETING

McArthur, CA

July 11, 2007

BOARD OF FORESTRY MEMBERS PRESENT:

David Nawi
Jim Ostrowski
Pam Giacomini
Doug Piirto
Tom Walz
Lloyd Bradshaw

MEMBERS ABSENT:

Stan Dixon
Bruce Saito
Gary Nakamura

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Teri Ashby, Board Counsel
Chris Zimny, Regulations Coordinator
Carol Horn, Executive Assistant
Laura Alarcon-Stalians, Staff Services Analyst

DEPARTMENTAL STAFF:

Crawford Tuttle, Chief Deputy Director
Ginny Chandler, Staff Counsel
Helge Eng, State Forest Program Manager
Marc Jameson, Jackson DSF Manager

1. CALL TO ORDER

Member Nawi, Chair of the Jackson Demonstration State Forest Subcommittee, called the Board of Forestry Meeting to order.

2. **STATUS AND UPDATE OF THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
FOR JACKSON DEMONSTRATION STATE FOREST (JDSF) DRAFT MANAGEMENT
PLAN**

The Board heard a status report and update of the Draft EIR for Jackson Demonstration State Forest Draft Management Plan. No action was taken.

PUBLIC COMMENT

Bill Keye, representing California Licensed Foresters, said CLFA and Northern California Society of American Foresters will submit a letters regarding the JDSF Draft EIR. Mr. Keye encouraged the Board to look at letters. Mr. Keye asked where numbers came from for carbon sequestration.

Mr. Richard Gienger encouraged the Board to work with Mendocino Working Group.

3. **ADJOURNMENT**

Member Nawi adjourned the July 11, 2007 Meeting of the Board of Forestry.

**BOARD OF FORESTRY AND FIRE PROTECTION
FULL BOARD OF FORESTRY MEETING**

McArthur, CA

July 12, 2007

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
David Nawi
Jim Ostrowski
Pam Giacomini
Doug Piirto
Tom Walz
Lloyd Bradshaw
Gary Nakamura

MEMBERS ABSENT:

Bruce Saito

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Teri Ashby, Board Counsel
Chris Zimny, Regulations Coordinator
Carol Horn, Executive Assistant
Laura Alarcon-Stalians, Staff Services Analyst

DEPARTMENTAL STAFF:

Crawford Tuttle, Chief Deputy Director
Del Walters, Assistant Region Chief
Ginny Chandler, Chief Counsel.
Mike Chuchel, SHU Unit Chief
Dennis Hall, Staff Chief, Resource Management
Duane Shintaku, Staff Chief, Resource Mgmt.

4. **CALL TO ORDER**

Chairman Dixon called the July 12, 2007 Meeting of the Board of Forestry to order.

5. **ADJOURN TO EXECUTIVE SESSION**

The Board adjourned to Executive Session.

6. **RECONVENE TO REGULAR SESSION**

The Board reconvened to Regular Session.

7. **ANNOUNCEMENT OF ACTIONS TAKEN IN EXECUTIVE SESSION**

Executive Officer Gentry said the Board considered the case of Joaquin Andres Acosta, CP-96-01. The Board approved the Administrative Law Judge's recommendation to impose a fine of \$20,000.

8. **APPROVAL OF MINUTES FROM THE MEETING OF JUNE, 2007**

The approval of the June 2007 Board of Forestry Meeting minutes was deferred to the August Board Meeting.

9. **REPORT OF THE CHAIRMAN**

Chairman Dixon did not give a report to allow enough time for the three hearings on the agenda.

10. **REPORT OF THE DIRECTOR/DEPARTMENT. DISCUSSION OF THE DEPARTMENT'S REVISED MISSION STATEMENT**

Mr. Crawford Tuttle, Chief Deputy Director, said the Department appreciated the input from the Board on the Mission Statement. Deputy Director Snyder worked with Board staff to ensure that Board comments were incorporated into the Mission Statement. Mr. Tuttle said the Department would like to move forward with the Mission Statement. Chairman Dixon said the Board did not have to take action, as the Department had asked for their comments and incorporated them into the Mission Statement. Board Members were pleased with the Mission Statement.

Mr. Tuttle said the Governor had asked the Department to take a leadership role in working with other departments on how to move forward with long-term restoration. They are working with the Forest Service on a Recovery Plan. Mr. Tuttle said the Governor had issued proclamations and an Executive Order waiving the paperwork for landowners to remove dead and dying trees.

Assistant Region Chief, North OPS, Del Walters said the state had major fires during the past month, many were lightning fires. Plumas National Forest had 19 lightning strikes, and the Klamath was hit hard. Chief Walters said they were boosting fire prevention efforts and fire safety inspections. In response to the Esperanza Fire, CAL FIRE was looking at providing some principles to determine what was in the best interest of everyone, and they want to get the message out that no structure is worth the life of a firefighter.

Member Nakamura asked Mr. Tuttle what the Recovery Plan would contain.

Mr. Tuttle said the Recovery Plan would focus on agency team activity, resource assessment, stabilization, and hazardous material, and would contain three phases: emergency, post-fire, and long-term (one to ten years).

11. **REPORT OF THE UNIT**

Unit Chief Mike Chuchel, Shasta-Trinity Unit, said their unit has 1,403,366 acres of State Responsibility Area, and 1,240,052 acres of Direction Protection Areas. The unit has 13 fire stations, 19 staffed fire engines, 3 dozers with transports, 129 permanent staff and 100 seasonal firefighters. They also have Sugar Pine and Trinity River Conservation Camps in their unit, and 3 lookouts. Shasta Trinity Unit have cooperative agreements with Shasta County for Schedule A, Shasta County Amador, Trinity County, and Shasta College. The Shasta County Fire Warden has 19 fire companies and 225 volunteer firefighters, 43 engines, 13 water tenders, 21 rescues, and 3 boats. The unit also houses LaTour Demonstration State Forest and Ellen Picket Demonstration State Forest. The total harvest documents for the unit were 638 for 1,137,161 acres (about 127 per inspector). The Shasta-Trinity Unit has an average of 61 THPs per year, 233 exemptions per year, and 25 emergencies per year.

12. **REPORT OF THE BOARD'S ADVISORY COMMITTEES**

California Oak Mortality Task Force (COMTF)

Mr. Mark Stanley, Chairman of COMTF, gave an update on the California Oak Mortality Task Force. A copy of Mr. Stanley's report was contained in the Board Binder.

Range Management Advisory Committee

No report was given.

Monitoring Study Group

Executive Officer said the MSG had not met since the last BOF meeting. The next meeting will be held on July 24 in Redding. A copy of the July 2007 Monitoring Study Group update was contained in the Board Binder.

Professional Foresters Examining Committee

Mr. Eric Huff, Executive Officer for Forester's Licensing, reported PFEC met on June 21 to review the results of the April RPF exam. The next PFEC meeting will be held on August 30.

The following Registered Professional Foresters have requested and meet the requirements for license **WITHDRAWAL:**

William E. Windes	RPF 1525	Ole Buch	RPF 2731
John R. Allardice	RPF 967	Oliver J. Kolkman	RPF 1793
Ronald A. Brandt	RPF 1401	Bard L. Beutler	RPF 1381

The following Registered Professional Foresters have requested license **REINSTATEMENT** from withdrawal status:

Patrick J. Clark RPF 2082

The following Registered Professional Foresters have requested **VOLUNTARY RELINQUISHMENT:**

Roy L. Henson RPF 969 Blaine L. Cornell RPF 1067

07-07-12: **Member Nawi moved to accept the withdrawal, reinstatement and voluntary relinquishments of RPFs. Member Piirto seconded the motion. All were in favor, and the motion passed unanimously.**

Mr. Huff said the exam had a pass rate of 63%. Mr. Huff asked for Board approval for the following applicants who had successfully completed the examination administered on April 13, 2007

Guy M. Anderson	RPF No. 2844
Michael J. Aronson	RPF No. 2840
David Cussins	RPF No. 2849
Daniel DeArmond	RPF No. 2855
Jeremy David Drakeford	RPF No. 2852
Deakon Joe Duey	RPF No. 2853
A. J. Evanson	RPF No. 2843
Mike Hupp	RPF No. 2847
David Jaramillo	RPF No. 2839
Lathrop Leonard	RPF No. 2845
Loren McAfee	RPF No. 2848
Darren Michael Niles	RPF No. 2838
Joel Rink	RPF No. 2851
Don Schroeder	RPF No. 2856
Fred C. Schuler	RPF No. 2841
Thomas Ferguson Smith	RPF No. 2842
Eric M. Sweet	RPF No. 2846
Harlan J. Tranmer	RPF No. 2850
Jesse Daniel Weaver	RPF No. 2857
Eric G. Wertz	RPF No. 2854

07-07-12: **Member Nawi moved to accept the RPFs who passed the exam. Member Piirto seconded the motion. All were in favor, and the motion passed unanimously.**

13. **HEARING: WATERSHEDS WITH THREATENED OR IMPAIRED VALUES EXTENSION, 2007.**

Regulations Coordinator said today was initial hearing for Watersheds with Threatened or Impaired Values Extension, 2007. The extension was noticed for 45 days on May 11. The

regulation amends protection of watersheds with threatened or impaired values. The current regulation will expire on December 31, 2007, and an extension was necessary to extend it to 2008. The only changes to regulation were the date, changing expiration from December 31, 2007 to December 31, 2008.

Mr. Dennis Hall said the Department had submitted a letter, they felt the extension was necessary and gave their support for the extension.

Mr. Curt Babcock, Department of Fish and Game, said DFG supported extending the T/I Rules as they were proposed.

PUBLIC COMMENT

Mr. Chris Quirnbach, Timber Products Company, said they supported the one-year extension of the rules as proposed.

Mr. Tim Feller, Sierra Pacific Industries, said they supported the one-year extension of the rules, and the whole process needed to come to fruition.

Mr. Paul Mason, Sierra Club California, said this rule package has had been a number of extensions, which had been tedious. Mr. Mason encouraged the Board to extend rules.

Mr. Dave Hammons, California Licensed Forester's Association, said they supported the extension, mainly because the Board has the Technical Advisory Committee for scientific review.

Mr. Jeremy Wright, RPF for Green Diamond Resource Company, said they supported the extension of the T/I Rule package. Mr. Wright said the allowance of an additional year of the rules would allow the TAC to continue their valuable scientific review and analysis.

Mr. Richard Geinger, Humboldt Watershed Council, felt the rules deserved more than a one year extension.

Mr. Arne Hultgren, Roseburg Resources, supported extension because it would continue with sound science.

Ms. Michele Dias, California Foresters Association, supported the one-year extension so the scientific review could continue.

Mr. Pete Ribar, Hawthorne Timber Company, said they supported the one-year extension of the T/I Rules.

07-07-13: Member Nawi moved that the public hearing be closed. Member Bradshaw seconded the motion. All were in favor, and the motion passed unanimously.

Member Nawi fully supported the one-year extension and he urged the Board to stay on schedule and have a regulatory proposal in time for it to be acted on in July so the Board would not have to go through this again.

Member Ostrowski said he hoped this would be the last time the rules would be extended, and he said the Board needed to meet the deadline next year. Member Ostrowski supported the extension.

07-07-13. Member Nawi moved to accept the one year extension of the Watersheds with Threatened or Impaired Values. Member Ostrowski seconded the motion. The Chairman called for a role call vote.

Nawi	Aye
Giacomini	Aye
Ostrowski	Aye
Nakamura	Aye
Bradshaw	Aye
Piirto	Aye
Walz	Aye

All Board Members were in favor, and the motion passed unanimously.

14. HEARING: ROAD MANAGEMENT PLAN, 2007.

Regulations Coordinator Zimny said today was the initial hearing for Road Management Plan, 2007 (RMP). The extension was noticed for 45 days on May 11. The Board had proposed changes to the Forest Practice Rules for development of a Road Management Plan as a supplement to the Timber Harvest Plan process. The RMP provides a means for addressing long-term issues of sustained timber production and cumulative watershed effects from the transportation system on fish, wildlife, the beneficial uses of water, and watersheds on a landscape basis. A RMP specifies measures to be applied to a forest transportation system to protect, maintain, and enhance the beneficial uses of water and other environmental resources consistent with the objectives of the timberland owner. The proposed regulation includes specific contents for the RMP. These include a goals and objectives element, an evaluation element, and an operational element, a verification element (tracking and monitoring), and an adaptive management element. The RMP may be submitted by a timberland owner for the Department Director's review and approval as supplemental information to support review of a THP or other Plan defined in the Forest Practice Rules. In summary, the RMP provides the timberland owner and agencies a voluntary process to evaluate and reach solutions on limiting factors for anadromous fisheries and other beneficial uses of water. It provides detailed information to improve the regulatory review of harvest plans with roads and improves watershed level impact analysis. Mr. Zimny said they had received substantial public comment which had been incorporated into the Road Management Plan, 2007.

Mr. Dennis Hall, CAL FIRE, submitted a letter to Board, supporting the Road Management Plan. Mr. Hall said the Road Management Plan was a voluntary process. CAL FIRE believes this “performance-based” approach would provide landowners, agencies, and the public with a comprehensive planning, implementation, and monitoring document that establishes parameters for the prudent, responsible, and economic long-term management of a transportation system for forest resource management across an ownership or several ownerships.

Member Nawi said a letter received from the Law Office of Sharon Duggan said the RMP provided less protection than the existing rules.

Mr. Hall said the RMP relied on existing rules that relate to practices, and the Road Management Plan was part of the Timber Harvest Plan; therefore, there should be no problem with enforceability. Mr. Hall said the RMP was very specific.

Mr. Curt Babcock, DFG, said he was not prepared to comment on the Road Management Plan.

PUBLIC COMMENT

Mr. Pete Ribar, Hawthorne Timber Company, supported the current version of the Road Management Plan. He felt there was no potential conflict with the framework.

Mr. Richard Gienger, Humboldt Watershed Council, sent letter to the Board dated June 28, 2007. Mr. Gienger felt the Road Management Plan was a mistake. Mr. Geinger encouraged Board to reject the Road Management Plan, and work with other agencies and the legislature to come up with a stand-alone RMP that means something, is reviewable, and affords real relief and incentives to landowners that implement high quality road management plans.

Mr. Chris Quirnbach, Timber Products Company, said they supported the package as proposed.

Mr. Paul Mason, Sierra Club California, said the most troubling flaw of the Road Management Plan was the lack of standards. Mr. Mason said there were many challenges to Plan, and he wanted to see clearer standards and definitions. Mr. Mason urged the Board not to approve the Road Management Plan, and to refer to Ms. Duggan’s comment letter.

Mr. Bill Key, California Licensed Foresters Association, said they supported the Road Management Rule package. It was a voluntary proposal available to landowners.

Mr. Jeremy Wright, Green Diamond Resource Company, said his company supported the Road Management Plan package. They felt the advantages of the inclusion of an RMP into the plan process were numerous.

Counsel Ashby said there would have to be substantive changes made to the Road Management Plan to have to do another 15-day notice. She said Mr. Hall said there were no

substantive changes, but it was up to the Board. Ms. Ashby said after her review, she felt there was no substantive change that would require a 15-day notice.

Member Giacomini said the Management Committee considered CAL FIRE's comments, but she would lean towards another 15-day notice.

Mr. Huff said the rule package does nothing to take away from the existing process, and you still would have to comply with the water quality process. You have to wait until the CEQA document had been approved before applying for Road Management package.

Mr. Hall said CAL FIRE would consider all laws in their review.

Member Piirto said the THP would be more site-specific.

07-07-14: Member Ostrowski moved to close the public hearing. Member Piirto seconded the motion. All were in favor, and the motion passed unanimously.

07-07-14: Member Bradshaw moved to accept the language with additions by the Campbell Group on page 8 line 20, and CALFIRE. Member Giacomini seconded the motion.

Member Giacomini said the approved language was to accept the Campbell change on page 8 and all of CAL FIRE's changes.

Member Ostrowski said the definitions needed to be clearer. He suggested amending the motion to use the term logging road systems rather than road system.

Member Giacomini said if they use the terminology of the language it would include logging roads, but it was better to keep it broad and inclusive of any road, not just logging roads.

Member Nakamura said if the definition just focused on logging roads it could exclude other roads in a THP.

Member Walz said having another rule package, even if voluntary, was disturbing to him. He said he had a problem with Road Management Plan, and he doubted he would ever participate in such a plan, but said there were other landowners who could use it. Member Walz said he was prepared to move forward today, but he was not happy with the way the system worked.

Chairman Dixon called for a role call vote.

Giacomini	Aye
Ostrowski	Aye
Nakamura	Aye
Bradshaw	Aye
Piirto	Aye

Walz	Aye
Nawi	Aye
Dixon	Aye

All Board Members were in favor, and the motion passed unanimously.

15. HEARING: COHO SALMON INCIDENTAL TAKE ASSISTANCE, 2007.

Regulations Coordinator Zimny said today was the second public hearing for Coho Salmon Incidental Take Assistance, 2007. The extension was noticed for 45 days on May 11. The first public hearing was held on June 22, 2007 in Sacramento. The Board of Forestry is proposing a regulatory action that would enable the California Department of Fish and Game (DFG) to establish certain incidental take permitting procedures authorizing the take of Coho salmon under California Endangered Species Act (CESA). The proposed regulations set forth certain definitions and substantive measures that facilitate an expedited process for obtaining Incidental Take Permits from DFG for timber operations that may result in the take of Coho salmon. The incidental take permitting procedures, including the expedited process, are being proposed by DFG under a separate rulemaking proposal. The Board's regulatory hearing will be held simultaneously with the Fish and Game regulation which could be adopted by their agency, because they are sister regulations.

In February 2004, the State Fish and Game Commission approved DFG's Coho salmon recovery strategy, including policies to guide the issuance of Incidental Take Authorizations for timber operations and activities under CESA. Pursuant to Fish and Game Code 2112, DFG is required to develop and adopt rules and guidelines to implement those policies. DFG has developed proposed procedural regulations that set forth rules and guidelines to implement these policies and are the subject of a separate Notice of Rulemaking.

The DFG's proposed procedural regulations rely in part upon the Board's proposed regulations that are the subject of this Notice. The proposed Board regulations set forth certain definitions and substantive measures in the FPRs that enable DFG to establish certain incidental take permitting procedures that meet the permit issuance criteria under CESA for incidental take permits under CESA for timber operations and activities that may result in take of Coho salmon.

The Board proposal provides minimization and mitigation measures for timber operations that sufficiently provide protection for Coho salmon and facilitate a process for DFG's issuance of Incidental Take Permits. The approach allows those applying to the Department of Forestry and Fire Protection for approval of timber harvesting plans in locations of CESA-listed Coho salmon to utilize an optional expedited process for obtaining from DFG Incidental Take Permits for Coho salmon for timber operations and activities that would result in take of the species. The Board proposal includes adopting, on a permanent basis, the Threatened and Impaired Watershed rules for specific Coho salmon watershed. It also provides additional rules under 14 CCR subsection 916.9.2 [936.9.2], subsection 923.9.2 [943.9.2] and 916.11.1 [936.11] intended to provide enhancements to the Forest Practice Rules to meet the

requirements under CESA for minimization and full mitigation where the optional expedited procedural process of obtaining an incidental taking is used.

Executive Officer Gentry said in the spring of last year, there were some initial discussions between CAL FIRE, Department of Fish and Game, and the Board of Forestry about the issue of Coho Incidental Take. From those initial talks there was Agency-level encouragement of this mutually beneficial approach. Secretary Chrisman encouraged DFG, CAL FIRE, and the Board to look at approaches that might also include other anadromous species. As a result of those talks, from the May joint meeting of the Board and the Commission, Executive Officer Gentry said they initially looked at the possibility of adopting a regulation that incorporated all anadromy. The purpose of looking at the all anadromy approach was the thought that a Federal Habitat Conservation Plan could eventually be implemented. That way there would be some sort of stable regulatory base that would be beneficial for all concerned. The process has been a very contentious issue. As the process moved along they found that the federal process would be much more time consuming and costly than originally anticipated. At the Board's request, Executive Officer Gentry provided an overview as to what all the policy issues were before the Board. The first issue was dealing with the instant issue of Incidental Take, in which case there was a gap that needed to be addressed. The Department of Fish and Game was looking at having to, because DFG does not have the same rule process as the Board, do a full-blown Environmental Impact Report to deal with their set of regulations. However, by utilizing the Board of Forestry approach, which is a certified regulatory program, significant efficiencies and cost savings could be achieved. That was one issue that needed to be addressed. There was also the issue of the Threatened or Impaired Watershed Rules, which are not permanent; there is an ongoing adoption of them. The Board had already gone too far down the road with the Technical Advisory Committee, at that point, for help in forming some science. Executive Officer Gentry said it seemed practical to take a step back and look at what things could be addressed immediately and built upon. It was the Board's decision at the start of this year to look at first dealing the Coho Incidental Take Process, then moving into the Technical Advisory Committee, and then moving into the Threatened or Impaired Watershed Rules and making them more of a constant and permanent adoption, and then potentially looking into the Federal HCP. Executive Officer Gentry said that brings us to the present variation. After long conversations with Mr. Stopher, the basic thing that the Fish and Game Commission asked the Department was for Incidental Take Permitting with certain conditions. Those conditions were imbedded within it the T/I Rules to form the basis for Incidental Take Issuance. The rule package before the Board has five basic sections. There are two sections, a road section and a riparian section, and both of those are carbon copies of the existing Threatened or Impaired Watershed Rules. They form the basis for regulations in watersheds with Coho, then there are two additional sections for each that marry on to them, riparian enhancements and road enhancements. If a person were interested in Incidental Take, they could incorporate those methods into their plan and the process would be extremely streamlined for them to get approval from the Department of Fish and Game. There are provisions in each of these to allow landowners other options besides utilizing those prescriptions. The fifth section is one on monitoring, which is a different type of section that is more of a long-term commitment to adjusting and understanding the impacts of what we are doing.

Mr. Mark Stopher, DFG, said the proposal before the Board today was not about whether or not landowners, if there will be take on a timber harvesting plan, would need an Incidental Take Permit. Mr. Stopher said the landowner would not. Mr. Stopher said what was before the Board was the choice of providing a straight forward streamlined process to get to that point. Mr. Stopher said the alternative was the process that already existed in the statute of regulations for Department of Fish and Game, and practice shows that it is a much more lengthy process with less known as to what the final outcome will be. This alternative before the Board offers some certainty as to what the outcome would be, not only in terms of mitigation measures, but the timeframe relative to the process.

Member Nawi said when this approach was initially proposed he thought the CEQA basis was the Board's certification to adopt a regulation without issuing an Environmental Impact Report. Because the Board's rulemaking process was certified as a functional equivalent under CEQA, the Board would be required to comply with the substantive requirements of CEQA, but would not have to go through the issuing an EIR and going through the comment period. When this was presented to the Board a year ago, that was one of the primary reasons the Board could do this on a more expedited basis.

Mr. Stopher urged the Board to move forward and adopt the regulation, and then DFG could proceed with adoption of their rules. Adoption of the regulation would provide certainty for landowners on how to get an Incidental take Permit.

Mr. Tuttle said CAL FIRE felt the same way as Mr. Stopher and DFG. Mr. Crawford reminded Board members of the collaborative work between both Departments and the Board. Mr. Crawford said the focus needed to be on recovery activity. Mr. Crawford urged the Board to move forward and adopt the regulation.

PUBLIC COMMENT

Mr. Bill Keye, California Licensed Foresters Association, said a letter from Redwood Empire was sent to the Board regarding bonding requirements. Mr. Keye said this was a real concern for small landowners. Mr. Keye said CLFA also submitted letter to record. They recommended not adopting language that makes rule package permanent; he recommended a one-year extension regarding Coho, or a two-year extension and then review the TAC results.

Mr. Chris Quirnbach, Timber Products Company, said half of their timberlands go into Coho watersheds. With regard to the monitoring section, they suggest removing the monitoring section from the proposal. DFG has a monitoring section. Mr. Quirnbach said to keep it to Coho first, then deal with broader anadromy later.

Mr. Richard Gienger, Humboldt Watershed Council, doesn't think the process puts DFG where they need to be. The monitoring element is essential legally for DFG rule-making regarding incidental take. Mr. Gienger said to redo the package, that DFG should have direct authority on-site to provide protection for recovery of Coho.

Mr. Pete Ribar, Hawthorn Timber Company, said the harmonized approach as proposed was desirable, but he was concerned about economic impacts. He questioned the need to make rule permanent. Mr. Ribar said the Board and Department need to ensure that the regulations are clear. Mr. Ribar said road bonding was expensive, and asked the Board to consider modifying road component use risk approach. Mr. Ribar urged the Board to take the time to get the package right, even if it took additional rule making.

Ms. Michelle Dias, California Foresters Association, thought the criticisms of Board were unjustified. She thanked the Board for their process. Ms. Dias felt the rule should be contingent on DFG having a legally valid rule.

Mr. Arne Hultgren, Roseburg Resources, said this rule would cause pain for some people. Mr. Hultgren asked DFG, in an effort for recovery, to upgrade their hatchery program, and limit commercial salmon fishing.

Ms. Nadia Hamey, Big Creek Lumber, said she hoped the Board and Departments had reviewed the numerous letters Big Creek Lumber had prepared for CAL FIRE and DFG. Ms. Hamey doesn't understand why the rules are needed in southern subdistrict of the State, and she pleaded with Board to make changes for small private parcels. Costs cannot be absorbed and are not economically viable. Ms. Hamey said uniformed political pressure was not a good reason to adopt rules. Ms. Hamey urged the Board to not compromise rules for Coho.

Ms. Janet Webb, Big Creek Lumber family owner and RPF, said their mill is the only remaining operating sawmill south of San Francisco. She said Big Creek Lumber has responsibly managed and sustained their timberlands. Ms. Webb believed the proposed rules would be damaging to small landowners. Ms. Webb said Big Creek Lumber have submitted data and worked with DFG. Ms. Webb said the Board should adopt critical changes that need to be made for southern sub-district, or separate the northern and southern sub-district.

Mr. Chantz Joyce, California Licensed Foresters Association, was encouraged by the process especially with TAC. Mr. Joyce's major concern was the timing of concurrence. Mr. Chantz had additional concerns regarding consideration to site specific conditions, and felt more site-specific conditions were needed.

Mr. Jason Poburko, RPF, California Licensed Foresters Association, said the Board of Directors at CLFA were concerned that the plan revolved around the definition of Coho salmon. Mr. Poburko felt that the monitoring requirements were quite vague and should be evaluated.

Mr. Paul Mason, Sierra Club California, agreed with Ms. Sharon Duggan's letter. Mr. Mason said the problem with current package was that it had no proactive improvements unless Coho were being killed. Mr. Mason asked for a broader application of the rules, he said they did not address recovery, and the Board could move forward on broader habitat rules. Mr.

Mason urged the Board to not wait two years before making changes to the rules. Mr. Mason said he was not supportive of moving forward, and had concerns that the approach might not be legal.

Member Nawi asked if this expanded the applicability of the T/I provisions. Executive Officer Gentry said no, the T/I rules would become permanent for watersheds with Coho.

Member Nakamura said the only people in favor of the rule package were DFG and CAL FIRE; and that both the public and private sector seemed to oppose. Member Nakamura asked what would be accomplished if it passed.

Mr. Stopher said rules, as they are written, are not necessarily how they are implemented in the field, few THPs get implemented with bare minimum standards, and they need to meet the standards of the California Endangered Species Act.

Member Giacomini asked Mr. Stopher if additional clarity could be given to the security issue regarding "double dipping", and asked if language could reflect that landowners would not be charged twice for the same areas.

Mr. Stopher replied that it was a good point, and used the example of appurtenant roads, which are often used for multiple projects. Mr. Stopher indicated that such a change in the language would be made. Deputy Director McCammon echoed Mr. Stopher's comments, stating that other changes were also being considered as well, and that those changes might require re-noticing.

Member Giacomini then asked if the language regarding security requirements allowed the landowner to maintain control of the financial assets pledged toward those requirements. Mr. Stopher replied yes.

Member Piirto asked if the package were adopted today, would the Board be able to adopt amendments to the rules

Mr. Stopher answered yes to Member Piirto's question.

07-07-15: Member Walz moved to close the public hearing. Member Piirto seconded the motion. All were in favor, and the motion passed unanimously.

Member Nakamura said the Department wanted the Board to adopt the regulations

Member Ostrowski said they had been working on this for a year. Under existing code, for any endangered species would be to avoid take. If take is unavoidable there needs to be a process to compensate for that take. Member Ostrowski thought the Board was close to having something that would work.

Member Nakamura said legislators were after the Board to pass a regulation, and then they received a letter saying "don't move forward".

Member Nawi said Section 2112 directed the Department of Fish and Game to adopt a recovery strategy for Incidental Take. Member Nawi said there was a fatal flaw, the T/I Regulations. The substance of what the Board is doing was closely related to T/I Rules and the literature review. Member Nawi said whatever they do to one regulation would make amendments to the other regulation necessary, and the best thing the Board could do was continue the T/I review and expand that science to look at all anadromy. Member Nawi felt it was DFG's responsibility to adopt their own 2112 regulations then the Board would not have to change their regulations when DFG's regulations change. He felt 2112 regulations were DFG's responsibility. Member Nawi said the likelihood of someone needing an ITP was very unlikely. Member Nawi said to use the results of the T/I review, and expand to all anadromy.

Member Giacomini said when Secretary Chrisman approached the Board with the idea of harmonizing, they were all intrigued. Member Giacomini stated that the Departments, working together, have helped to bring focus the issue. There are now key elements that include options for landowners and a take determination. Member Giacomini believes that this effort has provided an example for harmonizing rules in the future, and that she believes there is opportunity here.

Member Piirto said this has been learning curve for him. He thinks the Board should be proactive to the Endangered Species Act. Member Piirto was in favor of the package.

Member Nakamura asked who the Board was showing they were proactive, the public or legislators.

Member Walz said the Board had directed staff to meet with their counterparts at Fish and Game to put together a rule package. Member Walz said the rule package before the Board was what they had directed staff to do. Member Walz said the Board had the situation before them, they had a package that met the requirements of 2112. Economic effect is based on potential that timber harvest plan might get an IT determination by the Department of Fish and Game. Member Walz felt the package was important because it gave the landowner a level of certainty. Member Walz felt it was important to move forward with the package.

Member Bradshaw said he agreed with Member Walz, and he supported package.

Member Ostrowski proposed some additions to package that would help clarify intent and make a connection between DFG and the Board. Member Ostrowski handed out copies of the package he drafted.

Member Walz asked if they were non-substantive changes.

Member Ostrowski thought they were non-substantive, but it was up to the Board.

Member Giacomini felt experts from both Departments should look at Member Ostrowski's proposal.

Member Ostrowski felt his changes added clarification, and emphasized the minimization of cumulative effects.

Mark Stopher said this first change was not correct, that the rule was not intended to be used in that manner.

Chairman Dixon said it was too late in the day to go through this. There were no public copies and copies for DFG. Chairman Dixon asked how other Board members felt.

Member Walz said he just got through reading the other package, and he thought it added confusion.

Chairman Dixon said he was ready to deal with package before them with no changes.

Member Giacomini asked if there was a striking void in the current package that did not tie the Board's rules to DFG's rules.

Mr. Stopher said the Department of Fish and Game's regulation explicitly point to sections of the Board of Forestry's rules.

Executive Officer Gentry said it was intended for the regulations to be adopted so DFG could rely on what the Board had adopted. Executive Officer Gentry said someone had to take the first step.

Member Nawi asked if DFG did not adopt regulations, would the Board still want their regulation to go into effect.

Executive Officer Gentry said DFG expected their adoption to follow shortly after the Board.

07-07-15: Member Piirto moved to adopt the Coho package before the Board today contingent upon the adoption of the Fish and Game package. Member Walz seconded the motion.

Member Nawi said staff carried out exactly what the Board asked them to do. Having the regulation in place would give landowners some certainty. Member Nawi asked the maker of motion to add that following adoption of the regulation that the T/I Rules go beyond T/I to all anadromy.

Member Walz, seconder of the motion, said he was hesitant to accept Member Nawi's amendment. He doesn't believe it fits under the motion.

Member Piirto said he did not accept the amendment to his motion.

Chairman Dixon said he agreed with what Member Nawi said, but didn't believe it needed to be part of the package. Chairman Dixon said he was supportive of the motion on the floor.

Chairman Dixon called for a roll call vote.

Nawi	No
Giacomini	Aye
Ostrowski	No
Nakamura	Aye
Bradshaw	Aye
Piirto	Aye
Walz	Aye
Dixon	Aye

The motion passed 6-2.

16. REPORT OF THE BOARD'S COMMITTEES

Forest Practice

Member Nawi, Chairman of the Forest Practice Committee, said they had a discussion and update on the Threatened or Impaired Watershed Literature Review.

The Committee discussed and reviewed 114 CCR 1038(i) Forest Fire Prevention Exemption, 14 CCR 1052.4 Fuel Hazard Reduction Emergency Notice, and Board information to Assemblyman La Malfa on AB 1515.

07-07-16. Member Nawi moved for Board approval for staff to put out for 45-day notices 14 CCR 1038(i) and 14 CCR 1052.4. Member Ostrowski seconded the motion. All members were in favor.

Member Nawi said they decided to eliminate the sunset date on the La Malfa regulation. The Committee will need annual reports on the regulations.

Policy

Member Ostrowski, Chair of the Policy Committee, reported they had a good Policy meeting with all four members in attendance. The Policy Committee heard a presentation by RMAC Chair Ken Zimmerman on Integrating Natural Resource Management in California with Resource Conservation Investments.

Executive Officer Gentry and the Executive Officer from the Fish and Game Commission will meet to gather strategy to put together a Joint Policy for Anadromous Salmonids.

Member Piirto will be the lead for the Research Committee compile a report for the legislature.

The Policy Committee heard a brief report on issues related to climate change and biomass activities.

Executive Officer Gentry and Mr. Gaylon Lee have had ongoing discussions on the Water Quality Joint Policy, and are making progress.

Management

Member Giacomini gave the Management Report for Chairman Piirto. Dr. Helge Eng, State Forest Program Manager presented a draft schedule for Committee/Board review of State Forest Management Plans. The Committee proposed modifications to the draft schedule prior to offering their collective concurrence. The Boggs Mountain Draft Management Plan will be brought to the Committee for review in October/November. The Management Committee requested Dr. Eng provide a draft document detailing his projections for desirable staffing levels at all demonstration forests for review at the August Committee Meeting.

Deputy Chief Chris Browder provided a brief history and status update and review of the Draft NTMP Growth and Yield Guidelines Document. The Committee anticipated receipt of the latest draft of the document in August/September.

The Committee discussed "Governance Work Plan" and priorities. Staff was directed to draft a prioritized checklist/flow chart type document detailing the goals, objectives and actions to be undertaken by the Committee. The document should show the linkages between goals and actions so all interested parties may track progress. Staff will provide this draft document in advance of the August Committee Meeting.

Staff provided a briefing on FRAP's upcoming review of the Department and Board's respective current and future GIS needs and desires. The review has been funded, a contractor selected, and Board participation solicited. Staff need to provide a status report on the progress of this effort at the August Committee Meeting.

Staff provided a brief history of the Road Management Plan 2007 rule proposal and its evolution. Agency/public comment was received and discussed.

Chairman Piirto said a request had been made by a member of the regulated public that the Board or CAL FIRE creates a matrix/table indicating the features of each of the Forest Practice Rule sections focused on fuel reduction. This matrix would be useful to the regulated public in that they would be better able to understand the differences and similarities of the "La Malfa Exemption" and the Board's Emergency Notice. Staff was directed to produce a draft matrix/table for review at the August Committee Meeting

Resource Protection Committee

Member Giacomini, Chair of the Resource Protection Committee, said they did not discuss the Recommendations Checklist for General Plans because they did not have a copy of the template. RPC will review the checklist at the August meeting.

Member Giacomini said the Committee did not review General Plan Safety Element Reviews, because staff had not had time to complete them.

The Committee did not receive an update on the VTP EIR. Mr. Jeff Stephens will give that update at the August meeting.

Mr. Mark Stanley presented to the Committee a Forest Health Work Plan proposal and discussed formalizing a plan to look at buffer zones on sod.

Mr. Zimny prepared a list of statutes for the Committee, this included RMAC Policy Statement, Work Plan Policy Statement and statutes.

17. **REPORT OF THE REGULATIONS COORDINATOR**

Mr. Chris Zimny, Regulations Coordinator, reported that today was the second hearing date for the T/I Extension, Road Management Plan, and Coho ITP Assistance. The notices had been filed with OAL. The estimated approval date for the Lookout Tower Emergency is 7/16/07.

18. **REPORT OF THE EXECUTIVE OFFICER**

Executive Officer Gentry said Policy Committee asked him to give an update on the Board's Budget Concept Paper. The Budget Concept Paper had been rejected, it had been killed at the Agency level. Executive Officer Gentry will look for other avenues to follow. The Executive Officer and Chairman Dixon will discuss steps they can pursue. They will have discussions with Agency to see why they felt the BCP was not appropriate at this time.

19. **PUBLIC FORUM**

Mr. Richard Geinger reported that the Tenth Annual Coho Festival would be held at Mattole. Mr. Geinger said the Usal District under Hawthorn had been acquired by Redwood Forest Incorporated.

20. **ADJOURNMENT**

Chairman Dixon adjourned the July 12, 2007 meeting of the Board of Forestry.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.